



05-15

Procurement Information Circular

December 29, 2005

GUIDANCE ON COMPETITIVE PROCEDURES FOR BROAD AGENCY ANNOUNCEMENTS

PURPOSE: To provide guidance on the competitive procedures that apply to NASA Centers in forming teams and preparing proposals in response to NASA Broad Agency Announcements.

BACKGROUND: NASA's Broad Agency Announcements (BAAs) are forms of public/private competition that support the spirit and intent of the Competitive Sourcing element of the President's Management Agenda. Regulatory guidance for BAAs is provided by FAR Part 35 and NASA FAR Supplement (NFS) Part 1835 "Research and Development Contracting." As indicated in NFS 1835.016(a), NASA prescribes two basic forms of BAAs, the NASA Research Announcement (NRA) and the Announcement of Opportunity (AO). Regulatory coverage of AOs appears in NFS Part 1872. Since NASA Centers are eligible to compete for funding under BAAs, questions arise as to the proper procedures for Centers to follow in forming teams with non-Government organizations and in acquiring necessary equipment and support services. The primary issue concerns compliance with the Competition in Contracting Act (CICA), since Centers may have to award new contracts to implement proposed investigations that are selected for funding. This issue generally pertains to AOs because of the magnitude of the planned investigations but can also arise in connection with NRAs. Accordingly, section 1872.308 was added and section 1872.502 was revised to provide standard procedures in conformance with the competition requirements of CICA with regard to AOs. These procedures may be applied to NRAs as needed.

GUIDANCE: The regulatory coverage draws a key distinction between adding a team member or partner that will have a substantial role in performing the proposed research effort and the acquisition of supplies and non-research services. Where a non-government partner/team member is identified in a NASA Center's proposal to have substantial involvement in conducting the research activity, selection of the proposal for funding under the AO or NRA satisfies the CICA competition requirements for an award to the non-government partner/team member. The Center may directly award a contract to this entity without additional competition or approval of a JOFOC. The BAA constitutes a competition of research proposals that encompasses proposals submitted by all team members of every offeror including NASA Centers. However, section 1872.308 requires NASA Centers to select their partners/team members through a "competitive process" or justify non-competitive selections. The elements of a "competitive process" are delineated in section 1872.308. The effectiveness of this process or the validity of the justification for not conducting a competitive process will be considered as part of the evaluation of the proposal under the AO or NRA.

The acquisition by a NASA Center of supplies or services that do not constitute research must be treated differently. (Examples of non-research services include program/project management assistance and/or administrative support services.) The competition among research proposals under the BAA does not extend to separate acquisitions of supplies and non-research services. Such items may be acquired under existing contract vehicles (e.g., SEWP, GSA's FSS/FTS or other existing Center contracts). Otherwise, they must be acquired through a newly competed contract or acquired non-competitively and supported by a JOFOC (pursuant to FAR 6.302).

The proposal of a non-government partner or team member performing substantial research may also include hardware, equipment or instrumentation necessary to perform the science investigation or research activity. The proposed fabrication or acquisition of hardware by the non-government partner/team member is handled the same as for proposals submitted by non-government principal investigators under section 1872.502(a)(3).

The competitive BAA process serves as a means of selecting proposals that offer the best value for the government in accordance with the evaluation factors in the BAA. During the proposal preparation phase, non-government sources are able to assemble their research teams and select hardware fabricators and service providers without being subject to procurement rules requiring full and open competition. Although NASA PIs have the same focus of putting together a winning team, they are bound by the competition requirements of CICA and Government ethics standards. The procedures described herein and contained in the revised regulations will enable NASA Centers to effectively compete under BAAs while complying with legal constraints.

(Note: As indicated in this discussion, the same procedures may apply to AOs and NRAs.)

EFFECTIVE DATE: This PIC is effective as dated and shall remain in effect until canceled or superseded.

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